

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 2429 of 2005

Between:

- 1 Merugu Siddavva, W/o.Siddaiah,
R/o.Kancharla Village, Bhiknoor Mandal, Nizamabad District.
- 2 Merugu Bhudevva, W/o.Narsaiah,
R/o.Kancharla village, Bhiknoor Mandal, Nizamabad District.

... PETITIONERS

AND

- 1 The District Collector, Nizamabad, Nizamabad Dist.
- 2 The Mandal Revenue officer, Bhiknoor Mandal, Nizamabad District.
- 3 The Sub-Inspector of police, Bhiknoor, Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ order or direction more preferably a writ of Mandamus holding the action of the 2nd respondent in issuing the impugned order proceedings No.A3/6382/04. dt. 01-02-2005 as being illegal, arbitrary and contrary to the provisions of law apart from being violative of Article 14, 19(1)(g) and 21 of the Constitution of India and to pass such other or further orders as are deemed fit in the facts and circumstances of the case.

Counsel for the Petitioners: MR.L.NANDA KISHORE

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the action of the 2nd respondent in issuing the impugned proceedings dated 1-2-2005 whereunder the third respondent was directed to take the necessary steps for initiating action under Section 107 of Cr.P.C. so as to maintain the law and order in Kancherla village.

Since an efficacious remedy is available under the Code of Criminal Procedure, the petitioners cannot maintain this writ petition under Article 226 of the Constitution of India without taking recourse to the remedy provided under the Code of Criminal Procedure.

The Writ Petition is accordingly dismissed granting leave and liberty to the petitioners to work out the appropriate remedy as available under law. No costs.

G. ROHINI, J

Dated: 18-02-2005
LSK

ASSISTANT REGISTRAR

To

- 1 The District Collector, Nizamabad, Nizamabad Dist.
- 2 The Mandal Revenue officer, Bhiknoor Mandal, Nizamabad District.
- 3 The Sub-Inspector of police, Bhiknoor, Nizamabad District.
- 4 Two C.Cs. to the Government Pleader for Revenue, High Court
Buildings, Hyderabad. (O.U.T.)
- 5 Two C.D. copies.